

AO 91 (Rev. 08/09) Criminal Complaint

SEALED

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

ADAM PATRICK DYER

Defendant(s)

Case No. SA: 15-MJ-900

FILED
 OCT 27 2015
 CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY *[Signature]* DEPUTY

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2015 in the county of Comal in the
WESTERN District of TEXAS, the defendant(s) violated:

Code Section
 18 U.S.C. 2250

Offense Description
 Failure to register as a sex offender.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*[Signature]**Complainant's signature*

Nicholas Rose, Senior Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/27/2015*[Signature]**Judge's signature*City and state: San Antonio, Texas

PAMELA A. MATHY, U.S. MAGISTRATE JUDGE

Printed name and title

10 years confinement, \$250,000 Fine; life supervised release; \$100 mandatory special assessment

AFFIDAVIT for CRIMINAL COMPLAINT

Affiant Nicholas Rose is a Senior Inspector with the United States Marshals Service in the San Antonio Division. The Affiant has been employed with the United States Marshals Service for approximately twelve and a half years, and has also been designated as a Sex Offender Investigations Coordinator (SOIC). As a SOIC, the Affiant is responsible for investigating sex offenders moving between states to determine if the offenders are in violation of their registration requirements.

On February 12, 2014, Adam Patrick DYER was convicted in Fort Campbell, Kentucky, at the Fort Campbell Army Base for the wrongful possession and wrongful distribution of child pornography in violation of Article 134. DYER was convicted for possessing and distributing videos and images depicting children engaged in sexually explicit conduct. For those convictions, DYER was sentenced to eighteen months in military prison, a reduction in grade to Private E-1, and a dishonorable discharge from the military.

DYER was required to register as a sex offender under SORNA for that offense and was provided notice by the military of that duty. On February 27, 2015, while still in custody, DYER signed the Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements (DD Form 2791). On that form it states DYER must register as a sex offender upon release from custody and also that DYER must register in any state to which he moves and that if he does not comply, he could be charged with failing to register under 18 U.S.C. 2250. DYER also initialed each box for the various requirements of his registration conditions. When asked where he would reside, DYER provided an address of: 3771 Cloverdale Dr., Clarksville, Tennessee 37040. Because this address was provided by DYER, the military sent out three notices; one notice was sent to the Clarksville City Police Department, one to the Montgomery County Sheriff's Office, and the Tennessee Bureau of Investigation (TBI). These notices were to let them know to expect DYER to arrive upon his release on April 20, 2015, and covered the city, county, and state sex offender registration authorities.

DYER was released from military prison at Ft. Leavenworth, Kansas, on April 20, 2015. On April 29, 2015, DYER applied, in person, for renewal of his Texas commercial driver's license. On the application that DYER signed, he listed his address as: 901 Gentilz St., in Castroville, Texas. DYER also checked the box stating he would be operating his vehicle in interstate or foreign commerce.

This Affiant was contacted by the U.S. Marshals National Sex Offender Targeting Center (NSOTC) on October 15, 2015, via a collateral lead. The lead stated that DYER had been released from military custody in April of 2015 and had not registered as a sex offender anywhere since his release. Brent Pfeiffer, U.S. Army liaison to the U.S. Marshals at the NSOTC, stated that he had contacted the Montgomery County Sheriff's Office and spoke to a Detective Moorelock. Detective Moorelock stated that DYER had not registered as a sex offender with their agency. Pfeiffer also checked online on the TBI's (TBI) sex offender registry, and DYER was not listed on their registry as ever having registered.

This Affiant checked with both the San Antonio Police Department and the Bexar County Sheriff's Office and was told that DYER had not registered nor attempted to register as a sex offender with them. This Affiant also checked with the Castroville Police Department, the Medina County Sheriff's Office, the New Braunfels Police Department, and the Comal County Sheriff's Office and was also told that DYER had never registered nor contacted any of these agencies. The Texas company that this Affiant was informed for which DYER may work. It was confirmed that DYER worked for that company and this Affiant sent them an employee verification form to fill out, sign, and fax back. On October 20, 2015, the form was received back and it noted that DYER began working for that company on June 1, 2015, and was still currently employed. DYER was a full-time employee working as a driver in the New Braunfels, Texas, area, and DYER provided the same residential address in Castroville as he did on his Texas commercial driver's license renewal. This information was confirmed by Cynthia Atwell, Vice President.

A sex offender is an individual convicted of a sex offense pursuant to 42 U.S.C. § 16911(1). A sex offense is defined, in part, as a criminal offense that has an element involving a sexual act or sexual conduct with another. DYER is a sex offender due to his conviction in Fort Campbell, Kentucky, at the Fort Campbell Army Base for the wrongful possession and wrongful distribution of child pornography in violation of Article 134. 42 U.S.C. § 16913(a) requires that each sex offender register and keep the registration current, in each jurisdiction where the offender resides, is employed, or is a student. Additionally, for initial registration, the offender must register in the jurisdiction of the conviction. DYER was required to register as a sex offender under SORNA and would be required to register for fifteen years on the possession conviction and twenty five years on the distribution conviction in the State of Texas as a Tier II


offender under Texas' extra-jurisdictional agreement with the military and their sex offense convictions.

DYER traveled from the State of Kansas to Texas and never notified Texas authorities that he was living anywhere in the State of Texas, nor did he register anywhere in the State of Texas. For this reason, this Affiant requests an arrest warrant be issued for Adam Patrick DYER for a violation of 18 U.S.C., Section 2250 - Failure to Register as a Sex Offender.



Nicholas Rose
Deputy U.S. Marshal
United States Marshal Service
W/TX- San Antonio Division

SWORN TO AND SUBSCRIBED BEFORE ME on this 27 day of October, 2015.



PAMELA A. MATHY
U.S. MAGISTRATE JUDGE